

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

INA STEINER, DAVID STEINER, and)
STEINER ASSOCIATES, LLC,)
Plaintiffs,) Civil Action No. 21-CV-11181-PBS
v.)
EBAY INC., et al.,)
Defendants.)

**DEFENDANTS' EMERGENCY MOTION TO EXTEND DEADLINE TO FILE
ANSWERS TO PLAINTIFFS' AMENDED COMPLAINT**

Defendants eBay Inc., Progressive F.O.R.C.E. Concepts, LLC, Devin Wenig, Steve Wymer, Wendy Jones, Jim Baugh, Brian Gilbert, Philip Cooke, Stephanie Popp, and Stephanie Stockwell (the “Defendants”) jointly move on an emergency basis to extend the deadline by which Defendants must file their answers to Plaintiffs’ Amended Complaint up to and including January 12, 2024.

As grounds for this emergency motion, Defendants state as follows:

1. Plaintiffs filed their Amended Complaint on March 1, 2023, *see* Dkt. No. 176, after receiving an unopposed two-week extension from their original February 15, 2023 filing deadline, *see* Dkt. Nos. 172, 173. The Amended Complaint spans 572 paragraphs over 123 pages.

2. Defendants filed their motions to dismiss in late April 2023. Dkt. Nos. 193, 196, 198, 203, 205, 207, 209, 210, 215, 217.

3. On December 12, 2023, the Court granted in part and denied in part Defendants' motions to dismiss. Dkt. No. 309.

4. Under Federal Rule of Civil Procedure 12(a)(4)(A), Defendants must file their answers within fourteen days of the Court's disposition of their motions to dismiss, which falls on December 26, 2023, the day after Christmas.

5. In a December 15, 2023 email, counsel for eBay requested Plaintiffs' position on the instant motion. Counsel for Plaintiffs responded the same day informing eBay's counsel that Plaintiffs did not assent to any extension of time for Defendants to submit their answers to the Amended Complaint.

6. Given the substantial length and breadth of the Amended Complaint, and in order to accommodate counsel's family commitments and travel schedules during the holidays, Defendants respectfully request that the Court extend the deadline for Defendants' answer to the Amended Complaint up to and including January 12, 2024.

7. Defendants submit this motion on an emergency basis because the current deadline for filing the answer is December 26, 2023, and the length of time prescribed under Local Rule 7.1(b)(2) for Plaintiffs to file an opposition to the instant motion for extension would extend past the current December 26 deadline that is the subject of this motion for extension.

WHEREFORE, Defendants respectfully move this Court to grant an extension of time by which Defendants must file an answer to the Plaintiffs' Amended Complaint up to and including January 12, 2024.

Dated: December 18, 2023

Respectfully submitted,

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CERTIFICATION PURSUANT TO L.R. 7.1(a)(2)

I, Jack W. Pirozzolo, counsel for eBay, hereby certify that, in accordance with Local Rule 7.1(a)(2), counsel for eBay conferred with counsel for Plaintiffs on December 15, 2023, who oppose the relief requested in this emergency motion.

Dated: December 18, 2023

/s/ Jack W. Pirozzolo

Jack W. Pirozzolo

CERTIFICATE OF SERVICE

I hereby certify that on December 18, 2023, this document, filed through the CM/ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants. An email copy was sent to *pro se* defendant Stephanie Stockwell.

Dated: December 18, 2023

/s/ Jack W. Pirozzolo

Jack W. Pirozzolo